

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for Reissue of: §
Patent No. 5,443,833 §
§
Patentees: ANDREW R. CLARK §
PAUL WRIGHT §
JULIA H. RATCLIFFE § Attorney Docket No.: 2553.004
§
Assignee: Fisons, plc §
§
Issued: August 22, 1995 §
§
For: PHARMACEUTICAL §
COMPOSITIONS §

**REISSUE DECLARATION OF JAMES NAPOLI
UNDER 37 C.F.R. 1.175(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

As one the attorneys who prosecuted Application Serial No. 08/082,804 which ultimately issued as U.S. Patent No. 5,443,833 ("the '833 patent") on August 22, 1995, I hereby declare:

1. My post office address and Registration Number to practice before the United States Patent and Trademark Office are as stated below, underneath my name.
2. I am an attorney with Marshall, O'Toole, Gerstein, Murray & Borun having a business address of 6300 Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60606.

3. I was appointed as associate attorney in Application Serial No. 08/082,804 "to prosecute, to make alterations or amendments therein, and to transact any and all business in the Patent and Trademark Office connected therein" in a document entitled "Associate Power of Attorney" which has a Patent and Trademark Office mailroom stamp dated February 16, 1995. Prior to that time, B.P. Mann formerly of Marshall, O'Toole, Gerstein, Murray and Borun was the attorney in charge of handling all business with the U.S. Patent and Trademark Office for this application.

5. During prosecution of Application Serial No. 08/082,084 Alison Blakey forwarded Fisons plc's instructions for my firm to delete the claims then pending in that application and add the claims that ultimately issued as claims 1-3 of the '833 patent. In accordance with those instructions, I filed the Amendment having a Patent and Trademark Office mailroom stamp dated February 16, 1995.

6. The decision to cancel the pending claims, submit the claims that issued as claims 1-3 of the '833 patent, and the basic arguments presented in the Amendment were proposed by Fisons plc.

7. Aside from filing the Amendment on behalf of Fisons plc and embellishing on the basic arguments proposed by Fisons plc, I was not involved in the preparation of the contents of the Amendment.

I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements

were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.



James J. Napoli (Reg. No. 32,361)
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